



DELHI STATE LEGAL SERVICES AUTHORITY

(Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)

Under the Administrative Control of High Court of Delhi

Central Office, Patiala House Courts Complex, New Delhi - 110001

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CIRCULAR

In reference to a Judgment dated 18.12.2019 passed by Hon'ble Supreme Court of India in the matter of **Criminal Appeal Nos. 62-63 of 2014 in the matter of Anokhil vs. State of Madhya Pradesh**, wherein *inter alia*, Hon'ble Apex Court has observed that the learned counsel appointed through Legal Services to represent the appellant in such cases, there is a possibility of life sentence or death sentence, ought to have been afforded sufficient opportunity to study the matter and the infraction in that behalf resulted in miscarriage of justice. Hon'ble Court further observed that in matters where death sentence could be one of the alternative punishments, the courts must be completely vigilant and see that full opportunity at every stage is afforded to the accused.

Vide aforesaid judgment, Hon'ble Apex Court has laid down following norms so that the infirmities that have noticed in the present matter are not repeated:

1. In all cases where there is a possibility of life sentence or death sentence, learned Advocates who have put in minimum of 10 years practice at the Bar alone be considered to be appointed as *Amicus Curiae* or through legal services to represent an accused.
2. In all matters dealt with by the High Court concerning confirmation of death sentence, Senior Advocates of the Court must first be considered to be appointed as *Amicus Curiae*.
3. Whenever any learned counsel is appointed as *Amicus Curiae*, some reasonable time may be provided to enable the counsel to prepare the matter. There cannot be any hard and fast rule in that behalf. However, a minimum of seven days' time may normally be considered to be appropriate and adequate.
4. Any learned counsel, who is appointed as *Amicus Curiae* on behalf of the accused must normally be granted to have meetings and discussion with the concerned accused.

It is also impressed that the panel lawyers appointed in such matters should invariably ensure that they carefully go through all the case papers and also, interact with the accused before representing him, if need be. They should quickly fix a meeting with the accused earliest in case of urgency and in any case not later than 7 days of assignment of the case.

Such interaction with the jail inmates may be made through personal visit by the panel lawyers or through video conferencing. They should request the court for granting them sufficient time for this purpose.

Ld. Secretary of Delhi High Court Legal Services Committee (DHCLSC) and Ld. Secretaries of all District Legal Services Authority (DLSAs) are requested to ensure the compliance of directions passed by Hon'ble Supreme Court in the aforesaid matter with letter and spirit. The copy of the aforesaid judgment dated 18.12.2019 is also being circulated herewith for reference.


(Kanwal Jeet Arora)
Member Secretary, DSLSA

Copy forwarded for information and necessary action to (through Email):

1. Ld. Secretary, Delhi High Court Legal Services Committee, Delhi High Court, New Delhi.
2. Ld. Special Secretary, DSLSA
3. Ld. Additional Secretary, DSLSA
4. Ld. Secretaries of all DLSAs, Delhi/New Delhi.
5. Official website of DSLSA
6. Nayay Sanjyog, DSLSA
7. Office File


(Kanwal Jeet Arora)
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